

MINUTES

ALCOHOL AND TOBACCO COMMISSION

NOVEMBER 7, 2007

CALL TO ORDER/NOTING OF QUORUM

Chairman Heath called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Guthrie and Commissioner Sturtz. Also in attendance were Executive Secretary Choe and Superintendent Huskey.

Marc Carmichael, Jeff McKean, Debbie Scott, Jim Purucker, Connie Vickery and Mark Webb were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the October 16, 2007 meeting. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the November 7, 2007 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

DI49-22918 MAC'S CONVENIENCE STORES, LLC – Hearing Judge Choe stated this was a recommended denial by the local board and an upholding of that denial by the Commission. The applicant filed a timely notice of appeal and the matter was set for hearing. The Hearing Judge now submits her Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission, with one correction, on page 4, paragraph 9. Gary Williams is a board member of NNCC, not the president.

Vice Chairman Johnson moved to uphold the recommendation of the Hearing Judge and deny the new permit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and

hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Three hundred forty-nine (349) renewals approved, fifty-three (53) new and/or transfer permits approved, nine (9) permits approved for catering, ten (10) permits approved for first year escrow, two (2) permits approved for second year escrow, two (2) permits approved for third year escrow, one (1) permit approved for fourth year escrow and one (1) permit approved for fifth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Sturtz and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR79-21418 JOSE DE JESUS GAETA, D/B/A EL CHARRO – Chairman Heath noted this is a type 112 renewal application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated the permittee did not appear at the local board meeting as required due to violations that occurred in the last renewal period.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR71-89173 SUPER STOP, LLC, D/B/A BEEF AND BREW – Chairman Heath noted this is a type 209 renewal application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated the permittee did not appear at the local board meeting as required due to violations that occurred in the last renewal period.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the renewal. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL85-23391 FOOD CUPBOARD, INC. – Chairman Heath noted this is a new type 115 application with the local board voting two (2) to one (1) to disapprove.

Commissioner Guthrie stated no recording was made of these proceedings and the local did not state any reasons for denying this application.

Commissioner Guthrie moved to remand this application to the local board, so a record can be made. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR06-93227 GOLF N.O.W., INC. – Chairman Heath noted the permittee is requesting conversion from a type 111 permit to a type 112 permit.

Commissioner Guthrie stated the location of this permit was annexed into the city limits and, therefore, qualifies for the conversion.

Commissioner Guthrie moved to convert this type 111 permit to a type 112 permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

INACTIVE FILES

PERMITS MADE INACTIVE - Vice Chairman Johnson moved to make twenty-seven (27) permits inactive. Nineteen (19) permits are not subject to auction and eight (8) permits are subject to auction. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR89-11674 HILLING ENTERPRISES, INC. - Commissioner Guthrie stated that this permit was made inactive. There is now a buyer for this permit, who is prepared to immediately put this permit into use.

Commissioner Guthrie moved to reactivate this permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

RR49-08515 BLEEKER STREET, INC. – Commissioner Guthrie noted this renewal application was recommended to be denied by the Marion County Local Board, due to the fact that the permittee did not show for the meeting. The permittee requests that this be remanded to the local board so the permittee can have the opportunity to present his case to the local board.

Commissioner Guthrie moved to approve this request and remand this to the local board. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL61-23238 BUCHANAN & BUCHANAN ENTERPRISES, LLC – Commissioner Guthrie noted this new application was recommended to be approved by the Parke

County Local Board. However, it has come to the attention of the board that there may be a question of the ownership.

Commissioner Guthrie moved to remand this new application to the local board for reinvestigation. Motion seconded by Commissioner Sturtz and it was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Approved this _____ day of _____, 2007.

DAVE HEATH, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER